IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 21225 of 2007(B)

PETITIONER:

SENSON A.J., LAB ASSISTANT,
ST.SEBASTIAN'S H.S.S.
KUTTIKKADU, IRINJALAKUDA.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION, DIRECTORATE, TRIVANDRUM.

3. THE DISTRICT EDUCATIONAL OFFICER, IRINJALAKUDA.

4. THE CORPORATE MANAGER, IRINJALAKKUDA DIOCESE, IRINJALAKKUDA.

5. PANCHAMI DAVIS, U.P.S.A., R.P.U.P.S., EDATHURUTHI.

6. LAIJI FRANCIS, U.P.S.A., ST.GEORGE H.S., PARIYARAM.

7. THE ASST.EDUCATIONAL OFFICER, VALAPPADU.

BY SR. GOVT. PLEADER SRI. T.T. MUHAMOOD
ADV. SRI.S.MUHAMMED HANEEFF
SRI.BENOY THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007 ALONG WITH W.P.C. NO.24475/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 21225/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE DEGREE CERTIFICATE ISSUED BY THE CALICUT UNIVERSITY

EXT.P2. COPY OF THE B.Ed CERTIFICATE

EXT.P3. COPY OF THE APPOINTMENT ORDER ISSUED BY THE CORPORATE MANAGER

EXT.P4. COPY OF THE PROCEEDINGS NO.ED. 134/2004-05 DT. 1.3.05 OF THE CORPORATE MANAGER

EXT.P5. COPY OF THE REPRESENTATION DT. 30.3.06 ALONG WITH THE FORWARDING LETTER OF THE PRINCIPAL

EXT.P6. COPY OF THE REPRESENTATION SUBMITTED TO THE DEO

EXT.P7. COPY OF THE ORDER DT. 5.6.06

EXT.P8. COPY OF THE JUDGMENT IN WPC NO.17988/06

EXT.P9. COPY OF THE PROCEEDINGS NO.B3/6182/06/211/06 ISSUED BY THE DEO

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NOS. 21225 & 24475 OF 2007

Dated this the 17th day of August, 2007

J U D G M E N T

These two writ petitions are being disposed of by this common judgment since the parties and the issues involved in them are the same.

2. Having heard learned counsel for the parties and having perused the materials available on record, I am satisfied that Ext.P3 in W.P.(C) No.24475/07 which is an order issued by the District Educational Officer, Irinjalakkuda, is liable to be quashed for the sole reason that the petitioners in the said writ petition was not heard. It is not in dispute that Ext.P3 will result in adverse consequences, as far as the petitioner in this case is concerned. It is true that petitioner in W.P.(C) No. 21225/07 is seeking implementation of the said order passed by the DEO, a copy of which has been produced as Ext.P9 in that writ petition.

In the above facts and circumstances, Ext.P3 order issued by the DEO, Irinjalakkuda, (Ext.P9 in W.P. (C) No. 21225/07) is quashed. The said officer shall pass fresh orders in the matter, after

affording sufficient opportunity to be heard to the petitioners in these two writ petitions, and the manager as well as all other teachers who are likely to be affected by the order that may be passed, as expeditiously as possible, at any rate, within six weeks from the date of receipt of a copy of this judgment. In the meanwhile no fresh appointments shall be made in the school pending final decision in the matter.

The writ petitions are disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007